

Application No. 10/073,737
Amendment Dated March 19, 2004
Reply to Final Office Action of November 21, 2003

REMARKS/ARGUMENTS

Claims 3-15 and 18-24 are pending. By this Amendment, Claims 3, 4, 6-11, 13, 14, 18 and 20 are amended, Claims 21-24 are added and Claims 1, 2, 16 and 17 are cancelled. Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the Amendment: (a) places the Application in condition for allowance for all the reasons discussed herein; (b) does not raise any new issues requiring further search or consideration; (c) does not present additional claims without cancelling a corresponding number of finally rejected claims; (d) addresses a formal requirement of the Office Action; and (e) places the Application in better form for appeal, if necessary. Accordingly, entry is proper under 37 C.F.R. §1.116.

ALLOWABLE SUBJECT MATTER

Applicant acknowledges the Examiner's indication of allowable subject matter. In both the July 3, 2003 and November 21, 2003 Office Actions, the Examiner indicates that Claims 4-6 and 18-20 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Accordingly, the claims are amended to address this formal matter. In particular, Claims 4, 6, 18 and 20 have been rewritten in independent form including all the limitations of their base claim and intervening claims. That is, the subject matter recited in original Claims 1 and 2 is added into Claim 4, the features recited in original Claims 1 and 2 are added into Claim 6, the features recited in original independent Claim 17 are added into Claim 18, and the features recited in original independent Claim 17 are added into Claim 20.

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Each of the added Claims 21-24 depend from one of the independent Claims 4, 6, 18 and 20, respectively, and recite that the distal tip is closed. This feature of the closed distal tip was previously added into the cancelled independent claims and is not included in the pending independent claims because this feature is not believed to be critical in view of the Examiner's indication of allowable subject matter noted in both the July 3, 2003 and November 21, 2003 Office Actions.

CLAIM REJECTIONS

Claims 1-3, 7-14 and 17 stand rejected under 35 U.S.C. §102(e) over Yaacobi et al. (U.S. Patent No. 6,413,245). Claims 1-3 and 7-17 stand rejected under 35 U.S.C. §103(a) over Holmen (U.S. Patent No. 6,533,769) in view of Yaacobi et al. and Silverman et al. (U.S. Patent No. 5,478,328). These rejections are respectfully traversed for at least the reasons set forth below.

Applicant respectfully submits that the independent claims recite subject matter indicated as allowable by the Examiner in both of the previous Office Actions. Accordingly, the claim rejections under 35 U.S.C. §102 and 103 are obviated as the subject matter of all of the pending claims are allowable. Withdrawal of the rejections is respectfully requested.

PTO FORM 1449

Applicant filed an Information Disclosure Statement (IDS) and PTO Form 1449 on November 20, 2003, which apparently did not reach the examiner before the Office Action was mailed to Applicant's representative on November 21, 2003. Applicant requests that the Examiner

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consider the references, sign the PTO Form 1449, and return a copy of the signed PTO Form 1449 to Applicant's representative with the next communication from the PTO.

CONCLUSION

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

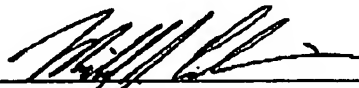
Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

March 19, 2004

Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.

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